

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA**

ERIC OLLILA, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

vs.

BABCOCK & WILCOX ENTERPRISES, INC.,
E. JAMES FERLAND and JENNY L. APKER,

Defendants.

CIVIL ACTION NO.: 3:17-CV-00109

**LEAD PLAINTIFF’S MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT, PLAN OF ALLOCATION, AND
CERTIFICATION OF SETTLEMENT CLASS**

Court-appointed Lead Plaintiff, Arkansas Teacher Retirement System (“ATRS” or “Lead Plaintiff”) respectfully submits this motion, pursuant to Federal Rule of Civil Procedure 23(e), requesting (i) final approval of the proposed Settlement of the above-captioned class action; (ii) approval of the proposed Plan of Allocation for the distribution of the proceeds of the Settlement to eligible claimants; and (iii) final certification of the Settlement Class.¹

Pursuant to Local Civil Rule 7.1(B), Lead Plaintiff conferred with Defendants regarding this motion, and Defendants do not oppose.

In support of this Motion, Lead Plaintiff submits herewith: (i) the Lead Plaintiff’s Memorandum of Law in Support of Motion for Final Approval of Class Action Settlement, Plan of Allocation, and Certification of Settlement Class; and (ii) the Declaration of Frederic S. Fox in Support of (1) Lead Plaintiff’s Motion for Final Approval of Settlement, Plan of Allocation, and

¹ All capitalized terms used herein have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated June 21, 2019. ECF No. 77-1.

Certification; (2) Lead Counsel's Motion for Award of Attorneys' Fees and Reimbursement of Expenses; and (3) Lead Plaintiff's Request for Reimbursement of Reasonable Costs and Expenses (with Exhibits). A proposed order will be submitted with Lead Plaintiff's reply memorandum.

Dated: November 12, 2019

Respectfully submitted,

By: /s/ Frederic S. Fox

Frederic S. Fox (*pro hac vice*)
Donald R. Hall (*pro hac vice*)
Melinda Campbell (*pro hac vice*)
KAPLAN FOX & KILSHEIMER LLP
850 Third Avenue, 14th Floor
New York, NY 10022
Telephone: (212) 687-1980
Facsimile: (212) 687-7714

*Lead Counsel for Lead Plaintiff and the
proposed Settlement Class*

BLUE LLP
Dhamian Blue
205 Fayetteville Street
Raleigh, NC 27601
Telephone: (919) 833-1931
Facsimile: (919) 833-8009
N.C. Bar No. 31405

Liaison Counsel

**KESSLER TOPAZ MELTZER
& CHECK, LLP**
Andrew L. Zivitz
Geoffrey C. Jarvis
Matthew L. Mustokoff
Margaret E. Mazzeo
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

LABATON SUCHAROW LLP
Jonathan Gardner
Christine M. Fox
Marisa N. DeMato
140 Broadway

New York, NY 10005
Telephone: (212) 907-0700
Facsimile: (212) 818-0477

Additional Counsel for Lead Plaintiff

CERTIFICATE OF SERVICE

I certify that on November 12, 2019, I electronically filed the above Lead Plaintiff's Motion For Final Approval of Class Action Settlement, Plan of Allocation, and Certification of Settlement Class, together with the supporting Memorandum of Law, and the supporting Declaration of Frederic S. Fox (with all Exhibits thereto), using the Court's CM/ECF system, which will be sent electronically to the registered participants as identified on the attached Electronic Mail Notice List.

/s/ Frederic S. Fox